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Attorneys for Debtor/Defendant, RALPH E. SANDERS

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION

IN RE:

RALPH E. SANDERS.

Debtor:

Case No. 8:17-bk-10265-MW

Chapter 7

Adv. No. 8:17-AP-01068-MW

BAP No. CC-19-1153

LARNITA PETTE.

Plaintiff:

VS

RALPH E. SANDERS

Defendant

**RALPH E. SANDER'S
DESIGNATION OF RECORD AND
STATEMENT OF ISSUES ON
APPEAL**

Appellant, Ralph E. Sanders, by the undersigned attorney, pursuant to Rule 8006,
Fed. R. Bankr. P., hereby designates the record and states the issues to be presented on
appeal, as follows:

DESIGNATION OF RECORD

The following items are to be included in the record on appeal:

1. Docket entries list
2. First Amended Complaint (Doc # 7) and Answer (Doc # 12)
3. Transcript of trial held on May 20 and May 21, 2019.
4. Debtor's Exhibits 1 – 9 and 12.
5. Plaintiff's Exhibits A1, B2, B3, B5, C1, C2, D1, D3, D4
6. Memorandum of Decision and Order of Judge Wallace entered on June 3, 2019.
7. Notice of Appeal filed June 17, 2019
8. Notice of Appeal deficiency entered June 18, 2019.
9. Notice of Receipt of Notice of Appeal by BAP on June 19, 2019.

STATEMENT OF ISSUES

The issues to be presented on appeal are:

1. Whether the trial court erred in holding that Ralph Sanders intentionally made a false statement or oath.
2. Whether the amended statement of financial affairs and amended schedule A/B filed by Ralph Sanders gave the appropriate information to the court and chapter 7 trustee.
3. Whether Ralph Sanders omissions or answers on his initial bankruptcy papers involved a material fact.

- 1 4. Whether the court's conclusion--that Mr. Sanders deliberately and consciously took
- 2 steps to ensure that both his interest in the Bobbye Rives Trust and the \$90,000-plus
- 3 distribution he received from it were concealed from creditors—is supported by a
- 4 preponderance of the evidence.
- 5 5. Whether the court erred in refusing to give any weight to Sanders's lack of
- 6 knowledge of what is required to be disclosed in bankruptcy papers, the complexity
- 7 and difficulty that presents to a first and one-time filer, and Sanders employ of Grady
- 8 Vickers in order to comply with disclosure requirements.
- 9 6. Whether there was substantial evidence for the court to conclude that "Mr. Sanders
- 10 and Ms. Calcote were in league with one another to deceive their creditors."
- 11 7. Whether the court's finding that the evidence it received did not provide information
- 12 that Sanders had provided information to his bankruptcy preparer of his inheritance
- 13 money and his status as a co-trustee of the Bobbye Rives Trust is controverted by
- 14 admitted Exhibits B2 and B3.
- 15 8. Whether the court considered that the liability it concluded that Mr. Sanders sought
- 16 to conceal was not a debt that could be discharged.

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20 DATED: July 1, 2019

21 **LAW OFFICES OF GREGORY L. BOSSE**

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23 **GREGORY L. BOSSE, ESQ.**
24 Attorney for Defendant,
25 Ralph E. Sanders

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

940 W. 17th Street, Suite F
Santa Ana, CA 92706

A true and correct copy of the foregoing document entitled (specify): **RALPH E. SANDER'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON APPEAL** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 1, 2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Weneta M. Kosmala (TR) - wkosmala@kosmalalaw.com
United States Trustee (SA) - ustpregion16.sa.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On July 1, 2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Larnita Pette
2588 El Camino Real, Suite F-195
Carlsbad, CA 92008

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on July 1, 2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

United States Bankruptcy Court (PERSONAL DELIVERY)
Santa Ana Division
Attn: Honorable Mark S. Wallace
411 W. Fourth Street, Suite / Courtroom 6135/6C
Santa Ana, CA 92701

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 1, 2019
Date

LYNN CASTRO
Printed Name

Signature